

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Civil Action No. 3:22-cv-0191

KANAUTICA ZAYRE-BROWN,)

)

Plaintiff,)

)

v.)

)

THE NORTH CAROLINA)

DEPARTMENT OF PUBLIC)

SAFETY, et al.,)

)

Defendants.)

)

DEPOSITION OF LEWIS PEIPER, M.D.

(Taken by plaintiff.)

Raleigh, North Carolina

May 1, 2023, 11:04 a.m.

Reported By:

SUSAN GALLAGHER, CA CSR, CVR-CM

1 was experiencing high levels of dysphoria? I'm not
2 asking you why you might believe it. I'm asking, do
3 you believe she was not telling the truth?

4 MR. RODRIGUEZ: Objection. Vague as to time.

5 And you can answer.

6 THE WITNESS: So sir, I have to answer that within
7 the context of working in the system where we work. We
8 have to listen to all the information that's being
9 shared and respond accordingly. There are some
10 individuals that believe that "if I don't tell you it's
11 and 11 on a scale of 0 to 10, you're not going to
12 listen." But what do we do? We ensure that we are
13 there. We are listening.

14 When they ask to schedule appointments more
15 frequently, we are there to support the person in that.
16 We're not there to call them a liar. We are there to
17 support them in that process. That is what I see
18 happening here, and I'm proud of the work that they did
19 in supporting Kanautica through this situation.

20 BY MR. DAVIDSON:

21 Q I like to mark one more. I'll mark this as
22 Exhibit 16, and it's DAC 366.

23 (Exhibit 16 marked for identification.)

24 BY MR. DAVIDSON:

25 Q This is a mental health progress note dated

1 February 7, 2022. That's ten days before the
2 February 17, 2022, DTARC meeting. Have you seen this
3 document before?

4 A Yes, I would have.

5 Q Under "progress toward goals," it states,
6 "Offender is reporting increased dysphoria and
7 associated anxiety." Have you read that before the
8 DTARC meeting on December 17, 2022?

9 A Yes. I would've seen this note as part of her
10 medical record review.

11 Q Do you have any reason to believe that Ms.
12 Zayre-Brown was not experiencing increased dysphoria
13 and associated anxiety at that time?

14 A The context of this in the document you
15 provided reports feeling "increased distress" over not
16 having updated information about her gender-affirmation
17 surgery. She also had some concerns about her existing
18 hormone treatments and what was going on with the endo
19 and the healthcare services there.

20 Q Thank you. But do you have any reason to
21 disbelieve that Ms. Zayre-Brown was reporting increased
22 dysphoria and associated anxiety on October 7, 2022?

23 A Within the context of what is shared in this
24 note, I recognize that she's reporting feeling
25 "increased distress over not having updated information

1 about her gender-affirmation surgery."

2 I believe that to be the case, and I do believe
3 that was documented in the case summary that you used
4 in a prior line of questioning. I don't recall which
5 exhibit it was, but it was titled "Case Summary
6 Report," and I do recall you asking me a question about
7 that.

8 Q Setting aside the documents for now, at the
9 time of the February 17, 2022, DTARC meeting, did Ms.
10 Zayre-Brown have clinically significant distress,
11 depression, or anxiety associated with her gender
12 dysphoria?

13 A Did you say December or February?

14 Q February 17, 2022.

15 A Okay. And you asked did she have distress?

16 Q Clinically significant distress, depression, or
17 anxiety associated with her gender dysphoria.

18 A I do think we spent some time on this
19 previously. I do have the same answer to the question.
20 That is one of the criteria. I think it might even be
21 Criteria B for the gender-dysphoria diagnosis. That's
22 confirmed. It continued to be confirmed during this
23 time period, and that level of distress continued to
24 exist.

25 She continues to meet the diagnostic criteria

1 for the gender dysphoria diagnosis. My answer is yes.

2 Q Okay. I'd next like to mark as Exhibit 17 DAC
3 351.

4 (Exhibit 17 marked for identification.)

5 BY MR. DAVIDSON:

6 Q This is a mental health progress note dated
7 April 26, 2022. Under "progress toward goals" it says,
8 "Goals were not directly addressed during session as
9 clinician wanted to provide offender with the results
10 of the DTARC review. Offender was visibly upset when
11 learning that surgery was denied because it was, quote,
12 not medically necessary."

13 My question is, do you have any reason to
14 believe that Ms. Zayre-Brown was not visibly upset when
15 learning that her surgery was denied?

16 A I would sincerely believe that she was upset,
17 was frustrated. I would absolutely believe that she
18 did not like that result one bit. She shared as much,
19 but no, I would sincerely believe that she was upset by
20 that.

21 Q Okay. I'd like to mark as Exhibit 18 DAC 179
22 through 181.

23 (Exhibit 18 marked for identification.)

24 BY MR. DAVIDSON:

25 Q This is a mental health update dated May 26,